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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,560	04/13/2001	Feng Xu	6122.500-US	3855
25907	7590	07/12/2005	EXAMINER	
NOVOZYMES BIOTECH, INC.			CORBIN, ARTHUR L	
1445 DREW AVE			ART UNIT	
DAVIS, CA 95616			PAPER NUMBER	
			1761	
DATE MAILED: 07/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/834,560

Applicant(s)

XU ET AL.

Examiner

Arthur L. Corbin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-14,16,17,20,22,24,25,35 and 39-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-14,16,17,20,22,24,25,35,39-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 7, 2005 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-8, 10, 11, 14, 16, 17, 20, 22, 24, 25, 35 and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita in view of Fan et al.

Applicant is referred to paragraph Nos. 6, 7 and 9, Paper No. 011604 and to paragraph No. 4, Paper No. 062404.

4. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita in view of Fan et al as applied to claims 1, 2, 4-8, 10, 11, 14, 16, 17, 20, 22, 24, 25, 35 and 39-43 above, and further in view of Judkins et al, Rogols et al or Stevens et al.

Applicant is referred to paragraph No. 8, Paper No. 011604.

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5. Claims 1, 2, 4, 5, 10, 11, 14, 16, 17, 20, 22, 24, 25, 35 and 39-43 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Roan (claim 1) in view of Fan et al.

Applicant is referred to paragraph Nos. 10, 11 and 14, Paper No. 011604.

6. Claims 6-8 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Roan in view of Fan et al as applied to claims 1, 2, 4, 5, 10, 11, 14, 16, 17, 20, 22, 24, 25, 35 and 39-43 above, and further in view of Yamashita.

Applicant is referred to paragraph No. 12, Paper No. 011604.

7. Claims 12 and 13 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Roan in view of Fan et al as applied to claims 1, 2, 4, 5, 10, 11, 14, 16, 17, 20, 22, 24, 25, 35 and 39-43 above, and further in view of Judkins et al, Rogols et al or Stevens et al.

Applicant is referred to paragraph No. 13, Paper No. 011604.

8. Applicant's arguments filed June 7, 2005 have been fully considered but they are not persuasive. Applicant's Example 3 does not indicate that the blanching results in production of pectin methylesterase, as applicant contends. However, assuming that this enzyme is produced by said blanching and that the blanched potatoes serve as a control, applicant's invention still does not produce unexpected results. Although adding pectin methylesterase may increase potato crispiness according to ordinary consumers who are not experts in taste testing, such crispiness increase would be totally expected. This is true since pectin methylesterase would be present in a greater amount than in the control. Thus, additional crispiness would be expected. Applicant's

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result is no less expected than the fact that adding sugar to a fresh peach or to iced tea would increase the sweetness thereof.

9. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

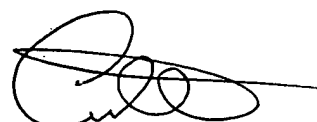
10. Any inquiry concerning this communication from the examiner should be directed to Arthur L. Corbin whose telephone number is (571) 272-1399. The examiner can generally be reached on Monday--Friday from 10:30 a.m. to 8:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0987.

A. Corbin/dh  
July 7, 2005



ARTHUR L. CORBIN  
PRIMARY EXAMINER

7-9-05